

# BOYD CASE DISMISSED

## Judge Gear Failed to Decide It.

A discontinuance was filed in court yesterday by Humphreys, Thompson & Watson in the case of James H. Boyd vs. H. E. Cooper. This was the application for writ of mandamus to compel Cooper to turn over the office of Superintendent of Public Works to Boyd, after the latter had refused to resign and the Governor had attempted to remove him, using force to prevent his entrance into his office.

The suit was argued at length some months ago before Judge Gear by Geo. Davis, who appeared for Cooper, just after Gear had decided that the Governor had no power to remove Auditor Austin. Humphreys refused to argue, saying he was content to leave the matter to the second judge in view of the Austin decision. Gear stated several times during the course of the argument that he would sustain Boyd and put him back into office, but he reserved his final decision, and in the meantime the Senate removed the former Superintendent of Public Works. A decision has never been given in the matter and there is no longer any necessity for it; hence the dismissal of the suit.

There may be still a suit for salary from the time of Boyd's suspension until the action of the Senate. Auditor Austin has made a demand upon Auditor Fisher for the salary for the two months of his enforced retirement, but this was refused. No demand has been made by Boyd, he being out of office but a few weeks.

### THEY DON'T EVEN SPEAK.

An evidence of the real ill-will which exists between Humphreys and his brother-in-law, J. Alfred Magoon, was the withdrawal yesterday of the firm of Humphreys, Thompson & Watson as attorneys for Magoon in the charge against him of accessory before the fact in the Wright case. When Magoon was indicted by a Grand Jury for assisting in Wright's escape, Humphreys was one of the first attorneys to rush to his defense, but since then the entente cordiale has been severely strained.

### THE ISENBERG ESTATE.

The will of Otto Ernest Isenberg, who died recently in San Francisco, was admitted to probate yesterday by Judge De Bolt and W. Pfotenbauer was appointed administrator with a bond of \$215,000. The estate is valued at \$300,000, but \$85,000 of it is in real estate. The will gives one-third of the property to the widow in trust, the remainder going to the children of deceased.

As appraisers of the estate H. A. Isenberg, P. M. Pond and W. M. Minton were appointed by the court. Mr. McClanahan stated that Mr. Isenberg could not take the oath to support the Constitution, as required of appraisers, he being the German Consul here, and Judge De Bolt prescribed a new form of oath for the benefit of the appraisers. He stated that it had always been the custom for the appraisers to swear to support the Constitution, though he knew of no statute or rule of court which required it. He said he was simply following the practice already established, and, there being no statute, in the case of Mr. Isenberg a simple declaration that he would faithfully perform his duties as appraiser would be sufficient.

### COURT NOTES.

The John K. Sumner case was continued yesterday until this morning at 10 o'clock because of the Wright hearing. It was the intention to go ahead all day, but this idea has now been abandoned.

Judge De Bolt yesterday ordered the payment of \$25 per month alimony to the wife in the Gallagher divorce case. After the first of the year the money is to be paid in two equal installments.

M. G. Silva has asked for a reduction of the alimony of \$60 per month allowed his wife. A motion has been filed to have his property placed in the hands of a receiver in order to pay his debts and alimony.

Bishop & Co. have brought suit against Lam Hoo Chin to foreclose on a mortgage on premises located at the corner of Nuuanu and Kukui streets, the security for two promissory notes aggregating \$10,535.

### After the Earthquake.

AGANA, Island of Guam, November 20.—(Via November Transport)—Logan.—Since the earthquake, which occurred September 22, Guam has been on busy straightening itself out. The Civil government appointed a committee of safety, whose duty it was to inspect and condemn all buildings considered unsafe. In consequence many of the shattered houses have already been torn down and new ones erected in their places. Work of repair is steadily progressing on the government buildings. When the U. S. naval collier Justin returned from Manila she unloaded a cargo of corrugated iron and lumber, and the Marine barracks as well as all other buildings pertaining thereto are speedily having the old, and much damaged roofs of tiles replaced by iron. The palace is also being renovated, so that everything will be in readiness for the new governor who is expected to arrive on the U. S. S. Supply about December 20.—Manila Times.

### Bishop Guilan Slowly Declining.

Although there is little change from day to day in the health of Bishop Guilan yet the Mission Fathers perceive with sorrow that he is slowly fading away. He is now a mere shadow of his former self and is consequently growing weaker. He suffers but little pain and his faculties are as keen as ever.

# CHOPPY SEAS OFF THE ISLAND PREVENTED CABLE SPLICING

## MORE OF SHORE END IS LAID

The completion of the work on the shore end occupied the attention of the Silvertown's force early yesterday morning. Not more than half the balloon buoys were hoisted Sunday night and the morning found the remainder of the great line floating to the buoys which bore it in line toward the prow of the ship. At 7 o'clock the work began of sending out the boats of the ship to release the rest of the buoys so that the cable might find its bed on the level of the ocean's floor.

While this was going on off shore the men engaged for the completion of the shore work were busy getting the end of the line out of sight. The line marked out for the burying of the heavy cable was followed with a trench some three feet deep and in a comparatively short time the cable had been placed and put into the basement of the cable hut through the conduit prepared when the little house was erected. As soon as this was done the line was prepared for the tests of the experts on the ship and even before this was completed the vessel was seen to be preparing for the undertaking of the next step of the labor.

Before 10 o'clock anchor was hoisted and the Silvertown stood out to sea paying out the cable over the prow. The course was straight off shore until a little more than a mile had been covered, and then the ship's head was turned toward the channel. This showed also that the rock cable had been put down, the dangerous shoal water passed and with from twelve to fifteen fathoms under the vessel the laying of the intermediate line, which will extend to the connection with the deep sea conductor, was going on.

The Silvertown began to work toward the middle of the channel and was soon seen to be making fair weather of it though the trip was not in any way a pleasant one, for the sea was rough and the wind blowing through the channel a biting breeze, which displayed a tendency to shift to the east. The Silvertown backed into this for something like five miles, when the watchers on shore saw that the intention was to cut it and run for the buoys which mark the spot where the end of the sea line was dropped.

The ship was brought into the wind and laid so that a lee was formed for the easy placing of the buoy which was attached to the end of the cable. The ship was rolling heavily, dipping rails under in the heavy swell which was running in the channel.

### GETS AWAY FOR THE DEEP SEA.

It was within five minutes of the noon hour that this work was complete and at once the Silvertown headed for the open sea, going almost northeast. The wind and sea were directly ahead and the ship did not make great headway against the combined forces. It was figured that at the rate of speed shown by the vessel in the two hours that it was visible off the Diamond Head light, that it would take four hours to get to the spot marked by the buoys indicating the resting place of the deep sea end.

The engineers on board the vessel said before they got under way that they would make the trip, owing to the fact that the buoys put out on Friday morning last were arranged with lights which would burn only ninety hours and it was deemed best to make renewal of these. In the event that the sea was too rough to permit of the picking up of the sea end of the cable, and there was the slightest danger that there might be a carrying away of the line of the conductor buoys marking the spot, the ship would run back along the line of the cable and drop another buoy with the heaviest of storm anchors, which would make it impossible that the line would be lost through the washing off of the buoys.

### TESTS AND CONNECTIONS.

The connection between the rock cable which constitutes the shore end of the system and the underground line was made yesterday afternoon shortly before six o'clock and after tests and speaking over the underground, the two conductors were twisted together and wrapped, after which the recorder in the office in the Young Building was set going, and kept so for the purpose of being in readiness for the speaking of the ship, if the end in the channel was picked up during the night.

The conductor which is in the center of the rock cable is of the same size as that which is in the deep sea cable of about one-third the size and one-twelfth the weight. It is made of seven strands of small copper wire and when the great cable sheathing had been cut away and the slender core exposed, it was the work of but a few seconds to make the connection. The underground wires had been carefully tested and a telephone had been worked over them, but the regular instruments for the receiving of messages over the cable had not been placed until yesterday and these were then used for the first time. Superintendent Gaines in person made the connection and using two dry cells connected his sending key with the underground system.

Calling the down town office he made the first record which was put on the tape by the instruments which are to serve for the recording of the manifold business communications which will come from the mainland. This consisted entirely of the recording of the letters in the Morse alphabet and a service message. The tape was preserved and presented by Manager Dickenson to A. A. Young, as the first product of the recorder.

This concluded, the cable was connected and then the whole affair was

## Silvertown Had to Return Last Night After Hard Day Near Cable End off Makapuu Point.

NO CABLE connection was made yesterday.

The cable steamer Silvertown returned to Honolulu last night and anchored off the harbor, where she will stay until the weather moderates, as she was unable to make the cable connection with the deep sea cable which is attached to a buoy off Makapuu Point.

The weather was very rough there during yesterday and last night, and fears are entertained that the buoy supporting the cable's end may be carried away, as a marking buoy, similar to the one to which the cable is attached, had already been carried away.

After laying the intermediate cable connecting the Honolulu shore end with the deep sea cable and buoying it off Diamond Head yesterday, the steamer proceeded to the place where the deep sea cable is buoyed off Makapuu Point. Captain Morton had secured the services of Pilot Lorensen, who accompanied the vessel. The weather was very boisterous in Molokai channel and the seas were almost mountain high, sweeping over the decks of the big vessel very often.

The steamer had no difficulty in finding the main cable buoy, but the marking air bulb, one exactly like the one supporting the cable end, and previously anchored one mile north of the first buoy, was missing. This latter buoy had been held in place by mushroom anchors, and should have held even after the first under worse conditions than would have to exist before the end of the cable buoy would give way, but the steamer could not find it yesterday. Whether it had been carried away by the sea, or in a collision with a vessel, is not known. The seas were so choppy that it was impossible to lower a boat to make connections with the cable buoy. Any boat which would have been put over the Silvertown's side in the heavy seas encountered yesterday would have been smashed up as soon as it struck the water. Under these conditions it was decided to make no attempt to get the cable end aboard ship and splice it yesterday to the cable that would have to be laid to connect with the end buoyed off Diamond Head. But the marking buoy had to be replaced, and in quick time another buoy was got ready and heaved overboard in the same place as the other marking buoy had been.

Captain Lorensen says that the work of placing this buoy in the water was

carried out with clocklike precision. An anchor was rigged and dropped over the bow of the Silvertown. When it had struck the deep bottom another buoy, of the same type as the main buoy, was attached to the wire hawser which connects the anchor with the latter. After this had been accomplished the buoy was easily dropped overboard. This is located in such a position that should the cable attached to the other buoy break it could be easily recovered by grappling, as the steamer would start from the marking one and drag the ocean's bottom right across the line where the cable would lie.

After placing this buoy and seeing that the main buoy was still in position, the steamer put about for Honolulu, and on the way sighted the buoy off Diamond Head and found it to be all right.

The vessel arrived off the harbor about 9 o'clock. An Advertiser reporter went on board, and was told by the officers that very heavy weather prevailed in the channel during the day and that the vessel would have to wait until this moderates before the end of the cable can be picked up and connections made with Honolulu.

Mr. Benet, chief of the cable laying expedition, told the reporter last night that the vessel would now have to wait for better weather, but he hoped that the weather of last evening would not be severe enough to carry away the buoy at the cable's end.

About thirty miles of cable now remain to be laid to connect the cable already in place and give direct communication with the Coast.

Officers of the vessel had hoped yesterday to be able to get the cable's end on board and have an opportunity to send messages to San Francisco from the vessel describing the work they had already accomplished, but, of course, this was impossible. In the weather of yesterday, even had it been possible, it would have been a tremendous risk to have taken the cable on board the Silvertown, as the strain caused by the heavy seas might have broken it, and as it would have been hazardous work to have made connections and carried it through the channel even further delay might have resulted from a break in the cable than now results through yesterday's weather.

Pilot Lorensen came into town last night with Pilot Macaulay, who went out to meet the vessel, and some of the officers of the vessel will likely come ashore early this morning.

## HAWAIIAN SINGERS ARE STRANDED IN THE EAST

### Managers Buncoed Them Out of Their Earnings But They Hope to Return Home Soon.

The Washington Post in a recent issue has the following account of the Hawaiian singers, who have been in this country several months and who were in Washington for a while last winter:

Thousands in the Capital during the last six months have been charmed by the melody of a group of dark-hued visitors, the melody of far-off Hawaii. The auditors have noted its strange sweetness, its languorous tenderness, its soothing softness, and then again, at times, its wild, weird notes. There have been the telling of joy and the touch of gayety in it, but there has been, too, something telling of melancholy, a yearning note, as of suffering. Perhaps it was in the music—there is that in the melody of their land; but there have been those, perhaps, who divined that back of it all there was more than the mere expression of the notes. These were right; there was a heart-ache in the song, and in the yearning note there was a real longing, a loneliness, a homesickness.

The young men, as they sang the airs of their native land, have sung not only of it, but to it. Their thoughts have gone out to it while they sang that they might earn enough to take them back once more to it. It is toward this end that they are working.

The "Singing Boys," or "Royal Hawaiian Glee Club," came to this country as a part of a company of forty-five that went into the Hawaiian village in the Midway at the Buffalo Exposition. There they played and sang till the close of the fair. According to contract, the members were to be returned. Fourteen, however, concluded to stay. The "barker" of the show, a white man, was the determining factor. To them he pictured possibilities of gain if they stayed. He would be their manager and engagements at \$50 a week would be easily made. As a starter, he would go to Charleston, where the exposition was soon to open, and arrange for their appearance there. As money was necessary to carry out his plans, the Islanders gave the manager out of their savings a good round sum to be used for them.

A vaudeville agent made an offer to book them as an attraction on a theatrical circuit, but they had promised

the man to go with him to Charleston, and they could not enter into a contract that would preclude their keeping faith with him. One of the club was sent to Washington to arrange, if possible, for a limited engagement here. The trip was unsuccessful, but just then an opening offered at Philadelphia. With the telegram from Philadelphia came one from their "manager" to come to Charleston.

The proffered engagement at Philadelphia was not accepted, and the Hawaiians journeyed to the South Carolina city, only to find that arrangements had not been made for them, nor was there any opening among the exposition attractions. Their meager hoard had dwindled to but very little, and the land and people, so strange to them, seemed stranger still in the Southland. They started a little show in a store building, but the financial results were slender. Then came an opening for them. An entertainment was arranged for them at a small town near Charleston. The audience was a good one; it was the first real encouraging thing since they had elected to remain behind in Buffalo. They played and sang with a vim that night. It seemed as though, after all, their hopes were to be realized. They got none of the receipts, however. They had returned tickets to Charleston, else they would have had to spend the night in the street where they were.

A Southern preacher, who was interested in getting up church entertainments, was the means of rescue to the boys, who were now close to starvation. With him they journeyed farther South. They visited Savannah, St. Augustine, Palm Beach, Daytona, and other winter resorts. Then they journeyed North. They stopped at many places on the way, giving little entertainments, and arrived in Washington May 26 last. Here the party divided. Seven of the number went to New York, where they now are, and the others remained here. Their first appearance here was at a musicale given in her apartments by ex-Queen Liliuokalani. Other engagements followed, and this week they are to appear at Chase's Theater.

The visitors, who speak and write the English language well, were educated at the Catholic College of St. Louis and the University of Liholani, in the

## ON REEF AND OFF AGAIN

The tug Kaena, Captain Weisbarth, was ashore on the Mowea reef during the heavy wind about half past nine o'clock last night, but through good handling in some way managed to get off, after pounding on the coral rock for half an hour, and proceeded on her trip to Pearl Harbor, where she is employed in the dredging work. It will not be known how she happened to go ashore, or what damage she sustained until communication was had with the dredge at Pearl Harbor this morning.

Captain Weisbarth, master of the tug, has been sailing around the Islands as skipper of different vessels for over twenty years, and is said to know them about as well as any mariner here.

When the pilot boat was returning from the cable steamer Silvertown a little after 9 o'clock Pilots Lorensen and Macaulay heard the Kaena's whistle making a lot of noise. They realized at once that the vessel was on the reef, and pulling over to her, found that she was on the rock some distance Ewa of the point where the Nevada struck. There was no excitement on board the tug, and in answer to inquiries, it was stated that there was a boat on board large enough to accommodate the crew in case they had to be taken ashore, but they requested that the tug Fearless be notified and asked to come to their assistance. The pilot boat started for town at once, but before they reached the harbor the tug got clear of the reef and could be seen making for Pearl Harbor.

Mr. Agassiz, manager for Cotton Brothers, was said to have been aboard of the vessel.

Some of them are the sons of the former ladies in waiting to the deposed Queen Liliuokalani.

Their music is such as God teaches to the sea and wind and the birds—full of the tenderest pathos, deep with the sound of the sea and the high tenor of the wind. Their love songs need no translation. All the ecstasy and pleading and tears are so plainly voiced, we know. One sweet song, "Kamiehu," was composed, not written, by Makia, whose beautiful young wife developed the fatal little spot of leprosy. He begged to go as a nurse to the lepers, to Molokai, with her, and his grief and pleading won permission. The little spot did not spread, but for many months that beautiful girl lived among those dying people. Makia stole her away, and in a little open boat crossed the channel to Honolulu, where he hid her and himself up on the Pali Mountain. Tourists found them, told of the beauty of the girl, and the authorities, who thought they had been drowned in trying to escape from Molokai, took her again from him. This song is the farewell he sang to her across the sea.

At the Pan American Gen. Miles never tired of hearing them sing "Okahoi," "Only One," composed by King Kalakaua. They always sing for their last number "Aloha Oe," the farewell to her flag, her land, and her beloved people which Liliuokalani composed during her imprisonment, and their national anthem.

The leis of yellow they wear round their necks and hats is an indication of the royal Ilima flower, which they make into leis at home. No native so poor or so sad but strings himself a wreath of flowers every day and wears it round his neck. When their Queen comes home they bring to greet her hundreds of leis, as expression of their love. Their very greeting and good-by, Aloha, "My love to you," shows how kindly their hearts are and some one who has spent many months in Honolulu and Waikiki, said at all times, day or night, if they listened, somewhere they heard the natives singing on land and sea.

The young men hope to be able to return to Hawaii in the early part of the coming year.

### Fortune Goes to Hawaii.

Commissioner Fortune, who is in Hawaii for the purpose of looking into the labor situation, and who will go on to the Philippines on a similar mission, has about concluded all that he can do in Oahu, and will leave today for Hilo, where he will be given opportunities to see the estates and look into the questions of labor and its freedom. Mr. Fortune will be accompanied on the trip by J. A. Gilman, who will act as cleric. It is expected that the travelers will get very close to the bottom of facts in their journeys, and that the trip will consume about two weeks.

Sunday school children on Kauai celebrated Christmas at Koloa church with a pretty performance of "The Toy's Rebellion."

Deputy Attorney General Douthitt will leave today for Hilo to attend the Fourth Circuit Court which will meet the first Monday in January.

The Commercial Cable Company paid \$5,000 duty in Honolulu for the three miles of cable within the Territorial limits and for the instruments brought here.

Harry Fortune, a sailor from the schooner Fred J. Woods, and a witness in the Tanbara murder case, was arrested yesterday on a warrant signed by Antonio Colon, a Porto Rican woman, who charges him with striking and beating her. Fortune recently had an accident to one of his fingers, a bullet almost severing it from his hand.

# NO SITE FOR RESERVOIR

## Hilo Water Works System Held Up.

The Hilo waterworks system is held up because of the failure of former Superintendent Boyd to secure a site for the reservoir at the time the project was first launched. When the bids were called for by Superintendent Cooper a few months ago it was in conformity with plans submitted and approved by Mr. Boyd some time previous, but now it has been discovered that the site for the proposed reservoir, though on government land, is encumbered by twenty-year leases.

It was intended to build the reservoir on the plains of Pihonui, a large tract of land above Hilo, which was easily accessible from the springs, and which, it is agreed, was the best possible site for the proposed reservoir. The bids were called for and received, with the understanding that the reservoir was to be dug out of the soft volcanic rock of Pihonui, and it was with a good deal of surprise that it was learned, after the contract had been virtually let, that the government had leased the land where it was proposed to build the reservoir. The land is owned by the government, but is leased to Colonel Baker, who in turn has sub-leased it to a Mr. Turner. Attempts to buy the leases from Turner have been met with a price which was considered exorbitant by Superintendent Cooper, and the Pihonui site has been abandoned.

Mr. Cooper will decide upon the site for the reservoir upon his visit to Hilo next month, and has several places in view upon which it is expected the bids now made will stand.

### BIDS RECEIVED.

The Island of Hawaii seems to be getting the greatest share of the improvements now going on in the Territory. Saturday an \$8,000 contract was let for the road in Kona, and yesterday bids were opened for the construction of two steel bridges in the vicinity of Hilo, whose aggregate cost will be in the neighborhood of \$17,000.

Bids were opened for the construction of a 177-foot steel span bridge across Waialua river at Hilo, as follows: Cotton Brothers, \$12,423, to be delivered in seven months; construction to take two months; Whitehouse & Hawkhurst, total \$12,092, to be delivered within eight months and to require one month for construction; Healy, Tibbitts & Company, total cost \$19,773, to be delivered in nine months.

For a bridge across the Waialea river at Hilo the bids were as follows: Cotton Brothers, total cost \$5,782, time of delivery, seven months; construction one month; Whitehouse & Hawkhurst, cost \$5,264, time of delivery, eight months, time for erection, one month; Healy, Tibbitts & Company, cost, \$7,690, time of delivery six months.

## COWBOY CHINESE AS HIGHWAYMEN

The Hongkong Telegraph, under the heading "Chinese Cowboys Bushranging in Kwangtung"—which is surely a confusion of terms—tells the following remarkable story:

To say that China is still asleep, and has not followed in the wake of Western powers is a fallacy, as far as crime is concerned. For the past three weeks a band of eight mounted men, on wiry ponies and dressed in the costumes of typical cowboys, with large slouch hats and armed with Winchester and revolvers, have been holding up pawnshops and pedestrians in the prefecture of Si Chew and Shun Tak. These ruffians are all Chinese and have recently returned from the States. The guards are powerless against them, while the local authorities have devised every means to capture them, but to no purpose. One of our representatives had the good fortune to come across one of the victims, and from him we learn that these robbers are well educated men, and when conversing among themselves use the English language. Their homes have not been located, but it is believed they came from some of the surrounding districts. At the beginning of last month the band held up a rich pawnshop, and after overpowering the inmates, carried loot away to the tune of \$16,000.

As our informant observes, "these men then galloped off and as a parting salute emptied their revolvers into the air." The affair has quite a smacking of cowboy life, and brings to mind the days when Australia and America were the homes of desperadoes.

### Br'er Fortune.

A good deal of mystery surrounds the mission of Thomas Fortune, colored, who, armed with some sort of Presidential appointment, is about to sail from San Francisco for the Philippines.

Mr. Fortune is not exactly a professional African, but he has done a pretty fair business in a political way as a representative of the colored race.

While several more obvious explanations of his present errand might be suggested, there is apprehension in certain quarters that Mr. Fortune is merely qualifying himself to accept an invitation to dine with the President. Many of the occupants of the watch towers in Dixie will keep an eye on Br'er Fortune for some time to come.—Chicago Chronicle.